

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

PLAN FOR THE RANDOM SELECTION
OF GRAND AND PETIT JURORS
FOR SERVICE IN THE DISTRICT OF MAINE

February 13, 2006

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Pursuant to the provisions of the Jury Selection and Service Act of 1968, as amended, 28 U.S.C. Section 1861 et seq., the United States District Court for the District of Maine adopts the following revised plan for the random selection of grand and petit jurors for service in this District, to take effect after approval by the Reviewing Panel prescribed by 28 U.S.C. Section 1863(a). The prior plan for the random selection of grand and petit jurors for service in this District, which became effective March 3, 1997, is superseded as of the effective date of this revised plan which shall be the date it is approved by the Reviewing Panel prescribed by 28 U.S.C. Section 1863(a).

I. Declaration of Policy

It is the policy of this Court that all litigants entitled to trial by jury in this District shall have the right to grand and petit juries selected at random from a fair cross-section of the community in the counties surrounding the place where court is held; and that all citizens shall have the opportunity to be considered for service on grand and petit juries in this Court; and shall have an obligation to serve as jurors when summoned for that purpose.

II. Prohibition of Discrimination

No citizen shall be excluded from service as a grand or petit juror in this Court on account of race, color, religion, sex, national origin, or economic status.

III. Jury Management

The Clerk of the Court shall manage the jury selection process in the District of Maine under the supervision and control of the Chief Judge of the Court. Wherever used in this Plan, the terms “Clerk” and “Clerk of Court” shall mean the Clerk of the District Court, any authorized Deputy Clerk, and any other person, agency or data processing center authorized by the Court to assist the Clerk in the performance of the functions required by the Jury Selection and Service Act of 1968, as amended.

Wherever it appears in this Plan, the term “publicly draw” shall have the meaning prescribed by 28 U.S.C. Section 1869(k).

IV. Master Jury Wheel

The names of prospective jurors to serve on grand and petit juries at Bangor shall be selected at random from the voter registration lists of the municipalities within the counties of Aroostook, Franklin, Hancock, Kennebec, Penobscot, Piscataquis, Somerset, Waldo and Washington and shall be placed in the Master Wheel for jury service in Bangor. The names of prospective jurors to serve on grand and petit juries at Portland shall be selected at random from the voter registration lists of the municipalities within the counties of Androscoggin, Cumberland, Knox, Lincoln, Oxford, Sagadahoc

and York and shall be placed in the Master Wheel for jury service in Portland.

Within 3 months of a presidential election the Clerk shall obtain voter registration lists from every municipality in the State. Within each county, the Clerk shall separate the paper lists from those received on computer diskettes and shall arrange each group of lists in alphabetical order by town.

The selection of names from paper voter registration lists for the Master Jury Wheel shall be by key number. After giving reasonable public notice, the Clerk shall draw by lot a key number between 1 and 50, inclusive. The first name to be selected in each county shall be that name determined by applying the key number to the first paper voter registration list in the county. Thereafter, names shall be selected from the paper lists at intervals of 50. For example, if the key number drawn is Number 25 the first name selected in Androscoggin County will be Number 25 on the first paper voter registration list in that county. Thereafter the names selected will be Numbers 75, 125, 175, and so on, continuing at intervals of 50 throughout all the paper lists in Androscoggin County.

The selection of names from voter list databases on computer diskettes for the Master Jury Wheel shall be accomplished by a purely randomized process through a properly programmed electronic data processing system. Such random selection of names for inclusion in the Master Wheel by data computer personnel must insure that two percent (1/50) of the names on the computer diskettes are selected and that each county within the jury division is substantially proportionally represented in the Master Jury Wheel in accordance with 28 U.S.C. Section 1863(b)(3). The selection of names from the source list must also insure that the mathematical odds of any single name

being picked are substantially equal.

The minimum number of names to be placed in the Master Jury Wheel shall be one-half of one percent of the total number of persons on the voter registration lists used as a source of names for prospective jurors. The Court may order additional names to be placed in the Master Jury Wheel from time to time as necessary.

The Master Jury Wheel shall be emptied and refilled, as herein provided, once every four (4) years, within nine months following a presidential election, and shall be maintained by the use of a properly programmed electronic data processing system or device.

V. Qualified Jury Wheel

The Clerk shall maintain a Qualified Jury Wheel. From time to time, as ordered by the Court, the Clerk shall publicly draw at random from the Master Jury Wheel the names of as many persons as may be required for jury service at the place of holding court. A properly programmed electronic data processing system for pure randomized selection may be used to select names from the Master Wheel for the purpose of determining qualification for jury service. Such random selection of names from the Master Wheel must insure that the mathematical odds of any single name being picked are substantially equal.

The Clerk shall mail to every person whose name is so drawn a jury qualification form, with instructions to fill out and return the form, duly signed and sworn, to the Clerk by mail within ten days. If the person is unable to fill out the form, another person shall do it for the prospective juror, and shall so indicate the reason therefor. In any case in

which it appears that there is an omission, ambiguity, or error in the form, the Clerk shall return the form with instructions to the person to make such additions or corrections as may be necessary and to return the form to the Clerk within ten days. Any person who fails to return a completed juror qualification form as instructed may be summoned by the Clerk to appear at the Court to fill out such a form. At the time of jury service, any person may be required by the Clerk to fill out another juror qualification form, at which time, if warranted, the person may be questioned by the Clerk, but only with regard to responses to questions on the form. Any information thus acquired by the Clerk shall be noted on the juror qualification form and transmitted to the Court. Any person summoned by the Clerk who fails to appear as directed may be ordered by the Court forthwith to appear before it and to show cause for failure to comply with the summons.

The Clerk shall place in the Qualified Jury Wheel the names of all persons drawn from the Master Jury Wheel who are qualified to serve as jurors and are not exempt or excused from such service. Unless ordered by the Court, the Clerk shall at all times maintain at least 200 names in the Qualified Jury Wheel. The names of persons placed in the Qualified Jury Wheel shall not be disclosed to any person, except pursuant to 28 U.S.C. Sections 1867 and 1868, or Section XIII of the Plan.

The Qualified Jury Wheel shall be maintained by the use of a properly programmed electronic data processing system or device.

VI. Determination of Qualification for, and Exemption or Excuse from, Jury Service

The Court on its own initiative, or the Clerk under the supervision of the Court, shall determine solely on the basis of information provided on the juror qualification form whether a person is unqualified for, or exempt, or to be excused from jury service. The Clerk shall enter such determination in the space provided on the juror qualification form. If a person did not appear in response to a summons, such fact shall be noted by the Clerk.

VII. Qualifications for Jury Service

Any persons shall be deemed qualified to serve on grand and petit juries in this Court unless the person:

- (1) is not a citizen of the United States at least eighteen years of age who has resided for a period of one year within this District;
- (2) is unable to read, write and understand the English language with a degree of proficiency sufficient to fill out satisfactorily the juror qualification form;
- (3) is unable to speak the English language;

- (4) is incapable, by reason of mental or physical infirmity, to render satisfactory jury service; or
- (5) has a charge pending against him/her for the commission of, or has been convicted in a State or Federal court of record, of a crime punishable by imprisonment for more than one year and whose civil rights have not been restored by pardon or amnesty.

VIII. Exemption for Jury Service

The exemption from jury service of members of the following occupational classes or groups of persons is in the public interest and consistent with law.

Accordingly, members of such classes or groups shall be exempt from jury service:

- (1) members in active service in the Armed Forces of the United States;
- (2) members of the fire or police departments of any State, district, territory, possession, or subdivision thereof; and
- (3) public officers in the executive, legislative, or judicial branches of the Government of the United States, or any State, district, territory, possession, or subdivision thereof, who are actively engaged in the performance of official duties. "Public officer" shall mean a person who is either elected to public office or who is directly appointed by a person elected to public office.

IX. Excuse from Jury Service on Individual Request

Jury service by members of the following occupational classes or groups of persons would entail undue hardship or extreme inconvenience, and the excuse from jury service of such members is in the public interest and consistent with law.

Accordingly, the excuse from jury service of members of such classes or groups shall be granted by the Court or by the Clerk under the supervision of the Court, on individual request therefor:

- (1) all persons over seventy years of age;
- (2) all attorneys, physicians, surgeons, and dentists, actively so engaged;
- (3) all persons who have served as a grand or petit juror in a state or federal court within the preceding two years; and
- (4) all persons who serve without compensation as firefighters or members of a rescue squad or ambulance crew for a public agency.

X. Selection and Summoning of Jury Panels

From time to time, as ordered by the Court, the Clerk shall publicly draw from the Qualified Jury Wheel the names of as many persons as may be required for assignment to grand and petit jury panels for each place of holding court, provided that the Court may order such names to be kept confidential in any case where the interests of justice so require. A properly programmed electronic data processing system for pure randomized selection shall be used to select the names from the Qualified Wheel for summoning persons to serve as grand or petit jurors. The selection of names from the Qualified Wheel must insure that the mathematical odds of any single name being picked are substantially equal. The Clerk shall prepare a separate list of the names so drawn for assignment to each grand and petit jury panel; shall issue summonses directed to the persons whose names are so drawn; and shall mail them by registered, certified, or first-class mail addressed to such persons at their usual residence or business address.

When the Court orders that less than an entire grand or petit jury panel be called for service, the Clerk shall summon the necessary number of jurors beginning from the top of the list of jurors previously drawn at random from the Qualified Wheel.

XI. Exclusion, Exemption or Excuse from Jury Service

Except as provided in this Plan, no person or class of persons shall be disqualified, excluded, excused, or exempt from jury service. However, any person summoned for jury service may be:

- (1) excused by the Court, or the Clerk under the supervision of the Court; upon individual request if such person has active care and custody of a child or children under ten years of age whose health and/or safety would be jeopardized by such person's absence for jury service; or if such person is essential to the care of aged or infirm persons; or
- (2) excused by the Court, or the Clerk under the supervision of the Court, upon individual request if such person's services are essential to the operation of a business, commercial or agricultural enterprise; or
- (3) excused by the Court, or the Clerk under the supervision or the Court, upon a showing of undue hardship or extreme inconvenience, such as a planned vacation, for such period as the Court deems necessary, at the conclusion of which such person shall be summoned again for jury service; or
- (4) excluded by the Court on the ground that such person may be unable to render impartial jury service or that the person's service as a juror would be likely to disrupt the proceedings; or

- (5) excluded upon peremptory challenge as provided by law; or
- (6) excluded pursuant to the procedure specified by law upon a challenge by any party for good cause shown; or
- (7) excluded upon determination by the Court that the person's service as a juror would be likely to threaten the secrecy of the proceedings, or otherwise adversely affect the integrity of jury deliberation.

No person shall be excluded under Clause (7) except in accordance with the provisions of 28 U.S.C. Section 1866(c). Any person excluded from a particular jury under Clause (4), (5) or (6) shall be eligible to sit on another jury if the basis for the initial exclusion would not be relevant to the person's ability to serve on such other jury.

Upon request, the list of all jurors who have been excused for an impanelment will be available to counsel prior to voir dire.

XII. Length of Jury Service

In any two-year period, no person shall be required to (1) serve or attend court for prospective service as a petit juror for a total of more than thirty days, except when necessary to complete service in a particular case, or (2) serve on more than one grand jury, or (3) serve as both a grand and petit juror.

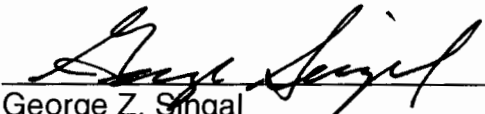
XIII. Disclosure of Information

- (1) Prior to impanelment, the parties, their lawyers, and any person employed by or working with those lawyers, shall ordinarily have access to the list of those jurors summoned to appear and to any supplemental juror questionnaires issued by the Court for that purpose. However, if the

interests of justice so require, any judge of this Court may order that the names of jurors remain confidential.

- (2) After a petit jury has been discharged at the conclusion of any civil or criminal trial, the names and addresses of the jurors may be released to the public only upon leave of court.
- (3) The contents of records or papers used by the Clerk in the process of filling the Master jury Wheel and the Qualified Jury Wheel shall not be disclosed, except pursuant to this Plan or upon order of the Court.

So ORDERED for the Court:


George Z. Singal
Chief U. S. District Judge

Dated at Portland, Maine this 13th day of February, 2006.